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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,207	04/17/2006	Thomas Belling	1454.1705	9359
7590	11/28/2007	EXAMINER OVANDO, PABLO R		
Staas & Halsey 1201 New York Avenue NW 7th Floor Washington, DC 20005		ART UNIT 2614	PAPER NUMBER	
		MAIL DATE 11/28/2007	DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/576,207	BELLING, THOMAS	
	<b>Examiner</b> Pablo R. Ovando	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 April 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-35 is/are pending in the application.
  - 4a) Of the above claim(s) 1-15 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 16-35 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 April 2006 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.                                     |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.                                                           | 6) <input type="checkbox"/> Other: _____.                         |

## DETAILED ACTION

### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The abstract of the disclosure is objected to because of grammar errors. Delete closing parenthesis after user. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 112***

1. **Claims 16-31** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 16** recites the limitation "one other terminal", which is indefinite because it implies any other terminal. Is the other terminal related to or associated with the called terminal or is it an arbitrary terminal?. Also, the limitation "via transmission address" is not understood since it can mean the path or the actual port. Is the "transmission address" the address of the calling or called party? does the "reception address" correspond to the called terminal or the other terminal ("at least one other terminal"). The step of "selecting the early media data having a reception address matching the

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transmission address of the called terminal" is not understood since the definition of a reception and transmission address is not clear. Also, is the calling terminal performing the selection?.

**Claim 17** recites the limitation "using reception address data at the calling subscriber to select user data sent by the called subscriber", is it the reception address of the called or calling terminal?. Additionally, the definition of a reception and transmission address is not clear. Also, the address of which other terminal is presumed?

**Claims 18-31** are also not understood because it is ambiguous as to how the transmission and reception address are related with respect to each other and to the calling and called party. Additionally the selection step is not clear since it is assumed that the reception and transmission ports are the same.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 16-17 and 31-35** are rejected under 35 U.S.C. 102(b) as being anticipated by Rosenberg et al, "An Offer/Answer model with the session Description Protocol (SDP)" (hereinafter referenced as Rosenberg).

As to **claim 16**, Rosenberg teaches SIP early media. Additionally, Rosenberg teaches sending an invite from a calling terminal to reception address of a called terminal (Pages 2-3 teach that an invite message containing the IP address and port of the calling is sent from the caller to the called); allowing the called terminal and at least one terminal other than the called terminal to receive the invite (page 2 teaches that a multicast session is possible, wherein the multicast will allows more than one called party to receive the invite); sending early media data to the calling terminal from each terminal that received the invite, each terminal sending the early media via a transmission address, the early media data being sent with information that identifies the respective reception address of the terminal (page 3 teaches that the called part will send the calling party a description of the port and IP address that it wants to use); receiving the early media data at the calling terminal from each terminal that received the invite selecting the early media data having a reception address matching the transmission address of the called terminal ; and representing to the user of the calling terminal only the early media data that was selected (pages 2-3 teach that once the participants receive the invite, responses containing the IP address and port of the called are sent to the caller. Also, the IP address and port is sent to the caller in order to facilitate the process of matching the streams; since the calling terminal receives the reception address and it knows the transmission address, it would match both of them and present that data to the user).

As to **claim 17**, Rosenberg teaches that the called participants reply to the invite message (pages 2-3). Additionally, Rosenberg teaches that the called party sends the calling party its IP address and IP port in order to facilitate the process of mapping the streams. Note that the port included in the message would necessarily be the port used to send and receive data.

As to **claim 31**, Rosenberg teaches a receiver to receive a response message from each of the called subscriber and at least one other subscriber (pages 2-3 teach that that the calling party received a response from the caller, note that the calling terminal communicates with a network and necessarily would need a receiver to receive the message. Additionally, Rosenberg teaches that the called terminal sends a message containing its IP address and port, wherein in that information is used to map the streams with the calling party, note that the port information would indicate that the receiving and sending port correspond to the same called party since that information is part of the message sent to the caller (pages 2-3).

As to **claim 32**, Rosenberg teaches that the calling subscriber has a signaling device and a device for handling user data connections (Pages 2-3 teach that signaling is transmitted).

As to **claim 33**, Rosenberg teaches that the calling subscriber has a switching device selected from the group consisting of Media Gateway Control Function (MGCF), IM Media Gateway (IM-MGW), Media Resource Function Controller (MRFC) or McAfee's Personal Firewall Plus (MPFP) (page 7 teaches the use of a gateway).

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As to **claim 34**, Rosenberg teaches that the H.248 or MEGACO connection is provided for transmitting user data in Session Description Protocol (SDP) messages, and the called subscriber reception address data is specified in H.24--or MEGACO connections (pages 3-4).

As to **claim 35**, Rosenberg teaches that the telecommunication network is a mobile radio network (pages 3-4).

3. **Claims 18-30** are not understood and can not be compared to the prior art due to the 112 rejection discussed above. The lack of art rejection should not be considered as an indication of allowability.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo R. Ovando whose telephone number is 571-272-9752. The examiner can normally be reached on M-F 7:30 am to 5:00pm, EST, Alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

P.O.



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